

## **DETAILED ACTION**

1. Amendment filed on 6/1/2011 is acknowledged. Claims 1-5, 7-29 were pending. Method claims 1-5, 7-25 were being prosecuted in the application, Claims 26-29 drawn to product were withdrawn. Applicant has amended claim 1.

## **REASONS FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance: The amended claim set overcomes the 112 2<sup>nd</sup> rejections and claim objections raised in previous office action. Since the closest art cited was 102(e) art and Applicant has confirmed that the inventor of the cited art and instant application is identical, hence cited art does not qualify as prior art.

3. No other rejections remain against pending method claims hence claims 1-5 and 7-25 are allowable.

4. In view of the allowability of claims 1, 8 and 12 which recite the primers (product) of claims 26, 27 and 28 respectively; the withdrawn product claims are rejoined and are also allowable. Claim 29 is drawn to a kit comprising primers of claims 26-28, hence is also allowable.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on 5/19/2008 is hereby withdrawn**. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional

statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

***Conclusion***

5. Claims 1-5 and 7-29 allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUCHIRA PANDE whose telephone number is (571)272-9052. The examiner can normally be reached on 6:30 am -3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion can be reached on 571-272-0782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Suchira Pande  
Examiner  
Art Unit 1637

/TERESA E STRZELECKA/  
Primary Examiner, Art Unit 1637  
June 27, 2011